

## **April 9, 2025, Town Council Meeting Summary**

(held In Person and by Zoom Video Conferencing)

- Approved the Town Meeting Minutes of March 12, 2025.
- Held a Variance Hearing for 10223 Summit Avenue to allow an encroachment of six to eight inches (6-8”) into the required ten (10) foot side yard setback in accordance with Section 5-104, “Building Lines”, of the Town Code.
  - *A Resolution in support of the Variance will be prepared for the May 7, 2025, Council Meeting.*
- Held a Public Hearing on **Ordinance No. O-02-2025** - An Ordinance of the Mayor and Council of the Town of Kensington to Appropriate and Adopt the Fiscal Year 2025 – 2026 (FY26) Budget and to Levy a Tax on Certain Real and Personal Property under the provisions of §6-203 of the Tax-Property Article of the Annotated Code of Maryland, as Amended.
  - *The Public Hearing will remain open until 4:00 pm on Friday, May 2, 2025.*
  - *The Budget Forum was held prior to the Public Hearing.*
  - *Operating Budget and Capital Improvement Plan*
- Held a Public Hearing on **Ordinance No. O-03-2025** – An Ordinance of the Mayor and Council of the Town of Kensington to Amend Chapter V, “Housing and Building Regulations”, by enacting Article 7, “Transient Lodging Facilities”, to Incorporate Chapter 54, of the Montgomery County Code entitled “Transient Lodging Facilities”, which contains various provisions to protect, regulate and license hotels, bed and breakfast, and short-term residential rentals and to make conforming changes.
  - *The Public Hearing will remain open until 4:00 pm on Friday, May 2, 2025.*

## **Town Council Meeting April 9, 2025, 7:30 pm, held in Person and by Zoom Video Conferencing**

Mayor Furman; Council Members Bartram, Crimmins, Engle, and Lichter; Town Attorney Ferguson (by Zoom Video Conferencing); Town Manager Hoffman; Assistant Town Manager Marini; and Clerk-Treasurer Engels were present. The Pledge of Allegiance was recited, and a moment of silence observed.

The Town Meeting Minutes from March 12, 2025, were reviewed and approved. See Council Actions.

### **From the Mayor and Town Council**

A Budget Forum was held in person at 6:00 pm. The presentation is available under the Town Budget tab on the Town website, or at the following link: <https://tok.md.gov/wp-content/uploads/2025/04/FY26-Budget-Forum-Power-Point.pdf>

### **Housing Opportunities Commission (HOC)**

Mayor Furman stated that the County has confirmed that HOC will be moving to their new location in December 2025; a committee will be formed regarding the County’s future use of the building; and the Town Attorney Ferguson will send a letter to have the County acknowledge that the Town owns a parcel of the property.

### **Joseph's Park Petition – 3420 Plyers Mill Road**

A Petition was received to place the sale of 3420 Plyers Mill Road as a referendum on the June ballot. The Board of Supervisors of Elections is reviewing the petition.

### **Girl Scout Troup 34175 – Little Free Seed Library**

Representatives from Girl Scout Troup 34175 gave a presentation and answered questions on their request to install a Little Free Seed Library in Town for their Bronze Award.

The Council supported the Little Free Seed Library, and the Girl Scout Troop will work with Town staff on the location.

### **3740 University Blvd. – Proposed Cannabis Dispensary**

Mayor Furman provided an update on the proposed location for the cannabis dispensary. The Town does not have zoning authority with respect to this matter; however, there is concern over locations within 500 feet of an existing place of worship. The Town has brought this to the attention of County Council Member Stewart's office, and they are working with the Department of Permitting Services on defining a place of worship.

Residents can address their concerns to Council President Kate Stewart's office.

Leslie Westbrook spoke in opposition to the location of the proposed cannabis dispensary.

### **10223 Summit Avenue Variance Hearing**

Paul Sexton was present and requested a variance for his property at 10223 Summit Avenue. The Variance was requested to continue the existing foundation wall along the building line for an addition, which would encroach into the side yard setback by approximately six to eight inches. He stated the original survey was incorrect and the issue was discovered after the foundation was poured by a wall check from another survey company.

Leslie Olson clarified when the setbacks changed from 8 to 10 feet.

The Council supported the Variance due to the peculiarity of the lot line. A Resolution will be prepared for the next meeting.

### **Mayor and Council Reports**

Council Member Lichter reported the Racial Justice Committee, Kensington Historical Society, and Juneteenth Committee will be sponsoring a free film, Ain't No Back to a Merry-Go-Round, at the Sebrof Forbes Cultural Arts Center on April 25 at 7 pm; and Sustainable Kensington will be meeting with the Greenbank and Precollective to help with storm water management.

Council Member Crimmins gave an update on the MCPS Boundary Study meeting that he, along with Council Member Lichter, attended, which set up the process and timelines for the boundaries to be completed by March 2026. Additional information is available on the MCPS website.

Mayor Furman noted two upcoming events, Trash to Treasure Day on April 26 and the Day of the Book Festival on April 27.

Town Manager Hoffman stated he has reached out to Montgomery Parks about clearing debris within the culvert at the Frederick Avenue and Kensington Parkway Bridge. Mayor Furman will reach out to County Council President Kate Stewart regarding this.

The next Town Meeting will be in person on Wednesday, May 7, 2025.

### **Public Appearances**

Joe Campbell appreciated the grass roots effort for the Petition on the sale of Joseph Park; and confirmed the referendum will be on the June 2 ballot.

### **Ordinances, Resolutions, and Regulations**

**Ordinance No. O-02-2025** – A Public Hearing was held on Ordinance No. O-02-2025 to Approve and Adopt the Fiscal Year 2025 – 2026 (FY26) Budget and to Levy a Tax on Certain Real and Personal Property under the provisions of §6-203 of the Tax-Property Article of the Annotated Code of Maryland, as Amended. The Public Record will remain open until May 2, 2025, at 4 pm. See Council Actions.

Town Manager Hoffman noted that the Community Budget Forum was held prior to the Public Hearing, which provided an overview of the FY26 Operating Budget. Highlights include the following: all real and personal property tax rates will remain the same for the seventh consecutive year; a 2.7 percent cost of living increase, along with certain merit increases for specific staff, has been proposed; the Archivist position has been reclassified from contractual to part-time under general government; the Town anticipates that property tax revenue will increase by \$125,000 for FY26, which is attributable to the most recent SDAT assessments; funds have been allocated to hire consultants to help with the Parking Task Force and Development Review Board; anticipated income tax receipts have been lowered following the most recent trend the last three fiscal years, along with concerns over the Federal governments continued restructuring of certain agencies; and noted that the large amount of funds being allocated towards the CIP are directly related to the expended ARPA funds now being classified as income. In addition, the Town anticipates having to make an amendment, as the \$800,000 reappropriation bond bill to help acquire the M&T Bank drive-thru property was approved by the Maryland State Legislature.

Al Carr noted that there are Charter requirements for borrowing money and the Local Government Infrastructure Finance program has attractive rates compared to regular borrowing rates; Rockville and Gaithersburg both tax short term rentals which could be an opportunity for the Town; and suggested following up with the Public Service Commission on taxes due from Dark Fiber and Infrastructure LLC for the fiber optic that runs through Town.

Joe Campbell questioned the drop in anticipated revenue when comparing FY2025 to FY2026; why miscellaneous revenue was lower in FY2026; where the Noyes Library donation was funded from; the status of the new street name signs and bridge project; frequency of street sweeping; and the impact of the County property tax rate increase.

Town Manager Hoffman stated budgeted revenue was lower due to being overly cautious, and FY25 included the \$100,000 escrow for the Silver Creek agreement; ARPA funds were not

included in revenue in the FY25 budget and are being taken into income as they are expended; the donation to the Noyes Library was from the mural line item in FY25; the new street signs should be completed in FY26; street sweeping is usually completed once a year at approximately \$6,500 and the budgeted funds would cover a second time if needed; the increase in the county tax rate does not impact the Town's revenues; and the engineering and design of the three bridge projects is mostly complete, there is still approximately \$30,000 for the construction management and the remaining funds will be for the actual repair of the bridges.

**Ordinance No. O-03-2025** – A Public Hearing was held on Ordinance No. O-03-2025 to Amend Chapter V, “Housing and Building Regulations”, by enacting Article 7, “Transient Lodging Facilities”, to Incorporate Chapter 54, of the Montgomery County Code entitled “Transient Lodging Facilities”, which contains various provisions to protect, regulate and license hotels, bed and breakfast, and short-term residential rentals and to make conforming changes. The Public record will remain open until May 2, 2025, at 4 pm. See Council Actions.

Town Manager Hoffman stated Montgomery County stopped enforcing Chapter 54 for the Town following clarification of regulations by the Department of Housing and Community Affairs. The adoption of this ordinance would allow the Town to opt into Chapter 54 and defer to the County on enforcement. This would allow the County to enforce regulations on a current short-term rental in Town.

Scott Helms and Jody Krieger spoke in support of the Ordinance and noted incidents at an adjacent property.

### **Council Actions**

Council Member Engle moved to approve the Town Meeting Minutes from March 12, 2025. The motion passed unanimously.

Council Member Crimmins moved to hold the record open on Ordinance No. O-02-2025 to Appropriate and Adopt the Fiscal Year 2025 – 2026 (FY26) Budget and to Levy a Tax on Certain Real and Personal Property under the provisions of §6-203 of the Tax-Property Article of the Annotated Code of Maryland, as Amended until Friday, May 2, 2025 at 4 pm. The motion passed unanimously.

Council Member Crimmins moved to hold the record open on Ordinance No. O-03-2025 to Amend Chapter V, “Housing and Building Regulations”, by enacting Article 7, “Transient Lodging Facilities”, to Incorporate Chapter 54, of the Montgomery County Code entitled “Transient Lodging Facilities”, which contains various provisions to protect, regulate and license hotels, bed and breakfast, and short-term residential rentals and to make conforming changes until Friday, May 2, 2025 at 4 pm. The motion passed unanimously.

Council Member Lichter moved to adjourn the meeting at 9:42 pm. The motion passed unanimously.